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131

Chapter 11

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 19-23649 (RDD)

(Jointly Administered)

In re:

PURDUE PHARMA L.P., et al.,

Debtors.

MOTION BY CREDITORS ILLINOIS SCHOOL DISTRICTS 205, 215, AND 131
TO JOIN AND SUPPORT THE MOTION TO SUBMIT INDEPENDENT PUBLIC
SCHOOL CLAIMS TO MEDIATION

The Board of Education of Thornton Township High School District 205, the Board of Education of Thornton Fractional Township High School District 215, and the Board of Education of East Aurora School District 131 (hereinafter “Illinois School Districts 205, 215, and 131”), creditors in these proceedings, submit this motion to join and in support of *Creditor Board of Chicago School District No. 299’s Motion to Submit Claim to Mediation*, and to be deemed co-representatives for a Class of independent public schools.

INTRODUCTION

1. On March 4, 2020, this Court entered an Order [Dkt. No. 895] granting Debtors' Motion to Appoint Mediators and providing, in pertinent part, that "Additional parties in interest other than the Mediation Parties (the '**Additional Parties**') may participate voluntarily in the mediation in response to a request from the Mediators, or further order of this Court."

2. On March 13, 2020, Illinois School Districts 205, 215, and 131 filed Proofs of Claim in these bankruptcy proceedings and are represented by the same counsel as the Board of Chicago School District No. 299 ("Chicago Public Schools") ("CPS"). Copies of the Proofs of Claim are attached as Exhibit A.

3. On March 30, 2020, CPS filed its *Motion to Submit Claim to Mediation* [Dkt. No. 998], on behalf of itself and the national Class of all public school districts that are independent units of government rather than agencies or sub-units of municipalities, counties, states, or other units of government (the "Class"), requesting that this Court deem it an Additional Party to the mediation. The Class consists of more than 13,000 of the 14,561 public schools in the United States, none of which is currently represented by the Mediation Parties.

4. Like CPS, Illinois School Districts 205, 215, and 131 are members and representatives of the Class and request that this Court issue an order deeming them to be Additional Parties along with CPS, and submitting the claims of the Class to mediation in order to benefit the mediation process and to put respective creditors on equal footing.

ARGUMENT

5. The claims of the nationwide Class of independent public schools are unique, highly significant and very sizeable, and, if the Class were denied the chance to participate in the mediation, the distinct interests of the Class would be without meaningful representation.

6. The public schools seek damages for the substantial costs of providing educational services to students who have suffered neurological damage due to prenatal opioid exposure. Public schools are legally mandated to provide the required special education services to children with special needs due to opioid exposure, often at great expense. The nationwide Class's costs for opioid related special education services alone are projected to be in the billions of dollars. Any monies the independent public schools recover in these proceedings can be funneled directly into educating the opioid exposed children in need of services.

7. None of the existing Mediation Parties represent the interests of the public schools or seek damages for their increased special education costs. The Ad Hoc Committee consists of states, counties, municipalities, and tribes, but *not* independent public schools. They have not asserted their claims for damages on behalf of the independent schools in court filings, nor could they, as they are distinct units of government with distinct damages.

8. The types of damages sought by the existing Mediation Parties are analogous to those of other states, counties, municipalities, and tribes, but they are not analogous to the unique type of damages sought by the independent public schools: the increased cost of providing educational supports to children with prenatal opioid exposure.

9. Because independent public schools will otherwise be unrepresented in the mediation, the legitimacy of the mediation process depends on their being included as an Additional Party.

CONCLUSION

For the reasons set forth herein and in *Creditor Board of Chicago School District No. 299's Motion to Submit Claim to Mediation*, Illinois School Districts 205, 215, and 131 respectfully request that the Court enter an Order granting the *Motion to Submit Claim to Mediation* and adding

the Illinois School Districts 205, 215 and 131 as co-representatives of the Class of independent public schools.

Dated: April 9, 2020

Respectfully Submitted,

By: /s/ Chiung-Hui Huang
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